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Report on a Report

being a Summary, with some inserted comment, of the
Report of the Alberta Royal Commission on Child
Welfare, arising particularly out of the I.O.D.E. Study
Report, "WELFARE IN ALBERTA," 1947-8-9.



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NOTE—For clarity, throughout this Memo, the I.O.D.E. Study Report, “WELFARE IN ALBERTA,” is referred to as the I.O.D.E. Study; the Royal Commission Report as the **Commission Report**; and the Child Welfare Authority in Alberta—the Child Welfare Commission and for the Superintendent of Child Welfare—as the **Child Welfare Branch**.

RECAPITULATION OF RECOMMENDATIONS

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THE ROYAL COMMISSION REPORT ON CHILD WELFARE IN ALBERTA

The I.O.D.E. Report "WELFARE IN ALBERTA" was prefaced by the declaration that it sought not so much to find out who might be wrong as what might be wrong in the Welfare situation in the Province and what lines might most wisely be followed to correct error and effect needed change. The Royal Commission has obviously carried on its work in the same approach and has flattered the I.O.D.E. presentation of the case by following the lines of the Order's submission before it. The Commission's Report is remarkable for what it states explicitly, and quite as noteworthy for what it states implicitly. By definite statement in many instances, by recommendation in others, it has found much to be distressingly wrong in "Welfare in Alberta" and

has given to the people of the Province a clear charter, signed by three of its own Judges, indicating some lines of remedial action.

The Commission makes clear beyond all question that the decision not to co-operate in the Study was made by the Provincial Cabinet itself and the indication seems clear that it is to the Premier himself, therefore, that representation must be directed for action now, and that it is with him and his government, as a whole, that responsibility must rest if the needs of children continue to be neglected, or wrong or weak or ineffective administration continues to the degree and in the aspects which the Commission finds it to exist.

I. RE UNDERTAKING THE STUDY

1. The I.O.D.E. Submission alleged: (p. 6)

"1. Re Official Attitude to the Welfare Study.

(1) That the Department of Public Welfare refused to co-operate in any way, with the I.O.D.E. Study, to confer with its consultants, or to provide any information to them, even when the information requested was contained in published documents and statements of the Department."

Finding (p. 7)

"Your Commissioners find the above to be a true statement of the facts" but "also find the decision not to co-operate with the I.O.D.E. Study was made by the Government of this Province at a Cabinet meeting."

The Commission then points out that this relieves the Child Welfare officials themselves from all responsibility for the decision and places outside the Commission's scope the propriety of commenting on Cabinet policy.

2. The I.O.D.E. Submission further alleged: (p. 7)

"(2) That the Acting Deputy Minister of Public Welfare wrote to the municipalities, stating that the Government of the Province neither welcomed nor approved the Study, and deemed it unnecessary; and warning them against the imparting of information to any members of the I.O.D.E. Committee or its Associates."

Finding (p. 8)

"Your Commissioners feel that the rights of the public, as represented in this case by the I.O.D.E. on the one hand, and of the Child Welfare Branch, on the other,

may be summarized in two simple propositions.

"Any person, or group of persons, has a right to investigate any phase of government activity it chooses, provided that in so doing it contravenes no law.

"The Government, or in this case the Child Welfare Branch, has an equal right to refuse aid to such an investigation, and in furtherance of such a policy, to require that its servants or other persons under its control refrain from giving information, and to insist that the investigators remain within the law."

The Commission then inserts Section 69 ("confidential records") of the Child Welfare Act, the letter sent out by Department officials, subsequent developments, including the somewhat "amending" advertisement later placed in Edmonton and Calgary papers, and comments:

(p. 9)

"In our opinion, it was the right of the persons conducting the proposed study to ask for and receive from any city or town over 3,000 population all information not specifically covered by section 69, and from all other municipalities all information of any kind, provided the municipal officers were willing to tender it."

(p. 9)

"In any event, the use of letters such as Exhibit 14," (that is the letter complained of) "carried to its logical conclusion, would throw a complete screen of secrecy around the operations of the Child Welfare Department, to the prejudice of children and the citizens of Alberta, and it is not approved by this Commission."

II. RE GOVERNMENT AND DEPARTMENTAL POLICY TOWARDS CITIZEN EFFORT

1. The I.O.D.E. Submission alleged: (p. 9)

"The policy of the Department, as enunciated by the Minister and its Officials, is opposed to the effective participation of citizen interest, effort or funds in Family and Child Welfare services."

Finding (p. 10)

"Evidence adduced before your Commissioners satisfied us that the problems of neglected children, children of unmarried parents, and wayward and badly adjusted children are not to be solved by any one,

or even a dozen, simple remedies. Rather they must be attacked on all fronts, using a multitude of methods, new techniques, pressures, and hands guided by 'kind hearts and tough minds'. This clearly involves the widest use of extra-governmental agencies and personnel."

The Commission then cites the provisions for establishing Child Welfare Associations under the Act but (on p. 13) points out not a single one had been established until recent weeks and that the Child Welfare Branch had failed here in its statutory duties.

The Commission could find no evidence of an "enunciation" of a policy of opposition to citizen participation (p. 12).

"The I.O.D.E. Study had quoted passages in letters of the Minister, dated October 31st, 1946, and January 24th, 1947, (repeating a stand taken in interviews previously, and correspondence in October 1946):—

'The responsibility for welfare services in this Province rests with the Provincial and Municipal Governments.'

and from the Deputy Minister's letter, dated January 31st, 1947:—

'Since public and child welfare in Alberta is the responsibility of the Provincial and Municipal Governments, any investigation made should be under the direction and control of those governing bodies.'

But the Commission does find (p. 12):

"A common complaint ran through the evidence of those who spoke for the private welfare agencies in their briefs and in testimony, which may be boiled down to something like this: That although

there is, in fact, a partnership between themselves and the Child Welfare Branch, in which the Branch is, or should be, the dominant partner, there is not forthcoming from the Branch the leadership, close contact, guidance and advice which such a relationship requires. In other words, needed co-operation has not been attained."

Recommendation 1 (Commission No. 7— (p. 56)

(Because it so clearly bears on this fundamental attitude of Departmental policy to citizen effort, the Commission's Recommendation No. 7 (p. 56) of their Report is listed first in this Summary).

1. "That steps be taken in recognition of the partnership of the Child Welfare Branch with, and dependence upon, private agencies in the care and custody of children, so that a full measure of co-operation, assistance, leadership and guidance will be furnished to these agencies. This may call for an appointment of an official, even of as high a rank as Deputy Superintendent of Children, to supervise and direct this work."

III. RE DEPARTMENTAL POLICY TOWARDS FAMILY WELFARE SERVICE, ETC.

1. The I.O.D.E. Submission alleged (p. 13):

"That the fundamental principle of all modern social work is the preservation of the child's natural home and family ties, and that the lack of an integrated public welfare and social assistance programme, and departmental policy have inter-operated to the unnecessary separation of parents and children, and to the unnecessary and unjustifiable destruction of parental guardianship."

Finding (p. 13-14)

"Your Commissioners agree with the fundamental principle stated above, as being reasonable and of general acceptance.

"It follows that if this principle is adhered to the Child Welfare Branch should be so organized that it could directly, or through the municipal officials which it supervises and directs, undertake the following:

"(a) Do individual case work within homes, where dangerous conditions have arisen, in an effort to remove or mitigate those conditions, so that the children might remain there under natural guardianship and within the family circle;

"(b) Relieve poverty in a home, where poverty is the sole cause of neglect of the children, either by development of its own facilities within the Branch, or by co-operation with the Welfare Department."

(1) Case Work of the First Type

"The evidence indicates that the Branch is not staffed to do the case work indicated in (a) except through the media of municipal officials, and that it does not do such work. Certainly no traces of it were found in the case files examined by your Commissioners."

The Commission comments that here and there a local inspector may "inquire into a family situation," "but we do find that

there has been no systematic case-work done by them, as the terms is ordinarily understood."

If any family case-work is done by the Edmonton Civic Welfare officials, the Commission, in the evidence, deems it "not systematic or effective." It quotes the Calgary Civic Children's Aid Department brief setting forth its case-work and concludes that, with the cited exceptions, "no family case work is done elsewhere in the province," that is covering 65% of the population. It excepts, of course, the family case work being done by voluntary agencies in Calgary and Edmonton.

(2) Case Work of the Second Type

The fulfilment of this type of work—the relief of poverty—"presupposes a very close relationship between the Child Welfare and relief branches, so that child welfare workers can secure immediate relief for families when the welfare of the children requires it. . . . Your Commissioners find no evidence of such a relationship."

"The situation is not in the interests of the children of the Province, and calls for some recommendation." (p. 15)

Recommendations 2 and 3 (Commission items 5 on p. 56 and 8 on p. 56)

2. "That the Child Welfare Branch recognize what is known as Family Case Work as a sound procedure, tending to keep children in their own families, and take whatever steps may be required to make their service generally available throughout the Province."

3. "That the Child Welfare Branch provide itself with organization and funds so that it may, when necessary and directly through its own officers, relieve poverty when poverty is the source of danger to the child in a home."

IV. LEGISLATION, BASIC ORGANIZATION AND SERVICES

The I.O.D.E. Study allegations covered these three aspects of the problem of adequate care and protection of children as interrelated and made its findings accordingly.

Since the reference of the Royal Commission was held to preclude legislation, the charges and suggestions bearing thereon must be separated from those dealing solely or chiefly with legislation and the latter be the subject of special comment.

IV.

1. Basic Legislation and Organization

The I.O.D.E. Submission alleged (p. 15):

(1) "That welfare legislation and practice have tended increasingly to the centralization of all powers and responsibilities in this field within the purview and powers of the Provincial Child Welfare Commission and the Superintendent of Child Welfare to the deprivation of parental rights and obligations, the restriction of the proper rights of municipal governments, the disinterest of duly constituted and responsible voluntary welfare and child caring services and the disinterest of many children themselves."

Finding (p. 16)

(1) "This charge brings squarely before the Commission two different points of view and two different systems of child welfare. On the one hand, we have the system . . . where child welfare is dealt with at the municipal level, through the agency of Children's Aid Societies. (These Societies) . . . apparently draw their funds partly from municipal contributions, that is tax funds, and partly from voluntary contributions. On the other hand, our system has tended . . . to view child welfare as a field in which the State should operate directly and be paramount. There is much to be said for each point of view but it is not the function of this Commission to enter upon a detailed study . . . The people of Alberta chose the plan of centralization long ago . . . We are of the opinion that centralized authority, properly administered and organized, may well be best suited to our conditions and in the best interests of children and citizens alike."

"In this charge it is alleged that Welfare legislation and practice have tended increasingly to the centralization of all powers . . ."

"It is difficult to see how the practice, in general, could be otherwise than it is, under existing legislation."

2. The I.O.D.E. Study joined another charge with this (p. 40):

"Re assumption of bureaucratic centralized and arbitrary power within the Department of Public Welfare.

(1) "That Welfare legislation and practice have tended to become increasingly—
(a) "Arbitrary in their assumption of extending powers by the Department of Welfare.

(b) Centralized in concept and set-up and
(c) Bureaucratic in terms, spirit, and administration, at the cost of due regard to sound democratic government, the rights and obligations of parents, of local self-government, and of voluntary wel-

fare effort, and to the detriment of community, family and child welfare in the Province." (p. 41)

Finding (p. 41)

(2) "The legislation in Alberta undoubtedly provides a background against which one might expect the appearance of a full-blown bureaucracy but there is no evidence that such exists, as your Commissioners understand the term . . . The evidence we received seems to boil down to the fact that the Child Welfare Branch operates in a separate compartment of its own, using private institutions where available, not interfering with them in any way, but furnishing neither encouragement, leadership or co-operation to such institutions. This in our opinion, is the reverse of bureaucracy. We must find that our system is centralized in theory, but, as previously stated, this has been the policy for years, and we must assume that it is the trend favoured by the people of Alberta. It is also evident from the legislation that practically every conceivable power is lodged with the Child Welfare Branch, the Commission and its sub-committees, but the evidence indicates to us that such powers have not been used to anything like the above extent. This Commission is prepared to say that that Child Welfare Branch has not used its powers to do what the statute directs it to do and thus furnish adequate child welfare service not only to a few populous communities, but to the whole province."

3. The I.O.D.E. Study further charged (p. 41):

"That the devolution of ministerial responsibility to the Bureau of Public Welfare, to the Child Welfare Commission, to the Probation Officers, Selection Committee and to the Home Investigating Committee, the excessive powers entrusted to these bodies and their constitution from departmental officials, thereby made arbiters of their own work, are contrary to the principles and practices of sound democratic government and do not conduce to good welfare administration or services."

Finding (p. 41-42)

(3) "Insofar as the planned structure of the Branch is concerned, this is legislation, and we have no power to deal with it. . . . In view of our position in this province, where so much reliance must be placed on the co-operation of the public and its support of private institutions and agencies, we feel that outside appointments would furnish continuous liaison with the public and with trends of thought outside the Branch. This would, in our opinion, be in the interests of the children and of the citizens of Alberta."

4. The I.O.D.E. Study alleged, under this same general heading, (p. 42):

"That the powers conferred upon the Superintendent of Child Welfare and exercised by him, directly or under guise of the Child Welfare Commission are without parallel in Canadian practice and tend to arbitrary and bureaucratic administration prejudicial to Community, family and Child Welfare."

Finding (p. 42)

(4) "This charge relates only to legislation."

5. The I.O.D.E. Study further alleged (p. 42):

"That welfare legislation and practice have tended increasingly to vesting in administrative committees or civil servants, powers properly exercised in the interests of the subject only in properly constituted courts."

Finding (p. 42)

(5) "Insofar as legislation is complained of, this Commission can make no finding, and we believe the real complaint is against the legislation."

6. The I.O.D.E. Study also charged (p. 43):

"Re encroachment upon the rights of the subject to access to the courts."

"That certain welfare legislation and practice have tended increasingly to the restriction of the rights of the subject directly and indirectly, by denying him redress in access to the courts."

Finding (p. 43)

(6) "This Commission believes that the above charge is directed against legislation."

7. The I.O.D.E. Study alleged (p. 43-44):

"Re disregard of the rights, responsibilities and powers of municipal self-government."

"That welfare legislation and practice have tended increasingly to the restriction of the rights, responsibilities and powers of municipal self-government in the arbitrary prescription of administrative and financial obligations without proper collaboration with local government, and that certain of these procedures operate most prejudicially to the community welfare."

"(a) The Minister's arbitrary authority over all official welfare records, even those the property of a municipality."

"(b) The obligation upon each municipality over 3,000 in population to appoint and pay a Child Welfare Officer although that official then passes under provincial direction of the Child Welfare Commission and the Superintendent of Child Welfare."

"(c) The arbitrary imposition of rates of maintenance, assistance, etc., without obligatory prior notice to the municipality, as to the schedules of such rates of aid or maintenance."

"(d) The procedures whereby a child may be declared neglected or become a ward or be dealt with as a delinquent child with corresponding financial obligations upon the municipality but without due preliminary protection of its interests and without subsequent power or responsibility in the care and protection of its own ward financially, but otherwise removed from its control."

Finding (p. 44)

(7) "This is clearly a charge against legislation."

But relevant findings and recommendations bearing specifically on these points are found elsewhere in the Commission Report (p. 56, p. 57, p. 54).

Recommendations 4, 5 and 6 (6 and 1 of Commission, p. 56).

4. "That the Child Welfare Commission be broadened and reconstituted as to personnel in order to provide a place thereon for persons outside of the Civil Service and representing the public."

5. (1 of Commission, p. 56).

"That the Child Welfare Commission proceed forthwith to:

(a) Carry out the statutory duties imposed upon it by Section 5 (c) (d) (e) and (i) and

(b) By virtue of Section 5 (a) enforce the provisions of Section 11 (a) to the end that every municipality as defined therein, shall be adequately staffed with inspectors and Child Welfare workers; and

(c) Under Section 5 (b) advise the Minister to make the regulations indicated under Section 72 (a), (b), (c) and (d) to the end that good and adequate standards of child care may be formulated and adhered to."

6. (Not listed as a separate recommendation in the Commission's Summary but found on p. 54):

"As previously indicated, our Child Welfare Branch is organized to operate in three distinct areas."

(1) It furnishes a headquarters staff for the administration and supervision of Child Welfare throughout the entire province, but retains to itself certain specific fields, some of the most important of which are:

(a) Assumption of wardship of all neglected and delinquent children;

(b) Placement of foster children—wards of government;

(c) Placement of adoptive children—wards of government;

(d) Supervision of adoption proceedings of non-ward children;

(e) Children of unmarried parents proceedings.

(2) It operates in the care of children in all cities and in towns of population of 3,000 and over, through the medium of child welfare personnel appointed and paid by these municipalities, but approved, directed and supervised by the Child Welfare Branch. This affects not more than 40% of our population.

(3) It operates directly through its headquarters staff, and through nine part-time inspectors, and through such aid as it may receive from the R.C.M.P. and local peace officers, throughout the remainder of the province. This affects not less than 60% of our population, and in districts having the most sparse population and the poorest communications.

"In respect of the field covered by (2) above, your Commissioners believe that there is a very definite responsibility to see that properly qualified Child Welfare workers are appointed in each one of the municipalities concerned, and in fact that a Child Welfare Organization is set up there consistent with the population, resources and requirements of the community. We are by no means satisfied that this responsibility is being adequately discharged, and suggest that a survey be conducted in the near future to determine the needs of each community, and if they are not being met by existing staffs and organization to require that the situation be remedied."

IV.

2. Basic Organization—Personnel

(1) The I.O.D.E. Study alleged (p. 44):

"Re Lack of Qualified Personnel in the Public Welfare Service.

"That the efficient practice of social work is grounded in techniques and procedures requiring special knowledge and training and that none of the ranking officials of the Department of Public Welfare possess minimum professional qualifications, nor is there provision for their proper training on the job or for the proper training of junior staff."

Finding (p. 44-45)

(1) "In Alberta we have set up standards of proficiency in a wide range of human endeavour . . . in all the professions. In the craft trades we find hairdressers, barbers, plumbers, carpenters, electricians and motor mechanics, to name only a few, required to satisfy public authority of their proficiency before they are allowed to work. It would seem very strange that if in the most difficult tangled and intricate field, that of human relationships, no training would be required save that furnished by experience on the job. Yet that seems to be the position taken by the Child Welfare Branch in relation to its employees."

"There was considerable discussion as to what was more necessary to the worker, certain qualities of heart and mind, or training. This Commission thinks that any such discussion is futile. Both are required, and the one no less than the other. We are convinced that the material rewards accruing to the social worker are usually less than in other fields requiring like preparation, so that persons entering upon social work must expect to find in the work itself a particular satisfaction and inspiration. This does call for special qualities, and if to them is added a proper grounding in principles and in practice, we have a social worker competent to do his or her job."

"Your Commissioners asked for and received in evidence a roster of employees of the Child Welfare Branch, with full details of age, education, training and experience."

(2) "We Find That

(a) "the Deputy Minister of Welfare, Mr. Miller, graduated from a secretarial school in Scotland, was a bank employee for 22 years, including 14 years as a branch manager, followed by service with the Provincial Government in the Debt Adjustment Board, the Relief Branch and in the Department of Public Welfare. He has no specific training in child welfare but it must be remembered that he is in an administrative post, concerned with the whole field of public welfare."

(b) "Mr. C. B. Hill, the Superintendent of Child Welfare, was educated in Cliftonville College, Margate, Kent, England. He was apprenticed to the Poor Law Guardians in Bath, Kent, England, and later was in the Poor Law Service at Eastry, Kent, England. After coming to Canada he engaged in work other than Welfare work until 1915, when he entered the service of the Alberta Government.

He was an inspector in the Department of Neglected Children from 1915 to 1922 doing country inspections. From 1922 to 1933 he was Chief Clerk in that Department. From 1933 to 1940 Mr. Hill was Child Placing Officer for the province; from 1940 to 1944 he was Deputy Superintendent of Child Welfare, and since that time has been Superintendent of Child Welfare.

"Your Commissioners are of the opinion that this background of training and experience, plus his bent of mind, has qualified Mr. Hill as a child welfare worker." (But see also another Commission finding re Mr. Hill's work, p. 29 of their Report and p. 31 of this Summary.)

(c) "We have reported to us 19 employees in the Child Welfare Branch . . . 9 general inspectors for the Department of Welfare."

" . . . among all these employees minor in rank to Mr. Hill only three have an academic background even remotely related to social work and one of these entered the service in 1948 . . . only the last mentioned has taken studies bearing directly on social work. . . . Two members of the staff are 64 years of age and presumably will be retired in a year or so."

(3) The Commissioners find these 9 inspectors are without training, responsible (1947) for 16,794 welfare cases exclusive of child welfare.

Recommendations 7 and 8 (2 and 19 of Commission on p. 56-57).

7. That the Child Welfare Branch proceed at once to institute personnel training as outlined in Section 23. (This recommends—see p. 47):

(i) "That all employees of the Branch, with the exception of two shortly reaching retirement age, and those who are now and are likely to remain in straight stenographic and minor clerical posts, be given, as soon as arrangements can be made, a short course in the basic principles and techniques of Child Welfare work."

(ii) "That annual or semi-annual conferences of Branch workers be held."

(iii) "That leave of absence with grants-in-aid be made available to staff members who are willing, and otherwise qualified to attend schools of social work."

(iv) "That further recruits to the service be (a) already qualified as social workers, or (b) be engaged on an apprentice basis, on the understanding that they will give part-time service to the Department while qualifying themselves in a school of social work."

(v) "That such additional staff be recruited as may be necessary to implement the recommendations made elsewhere in this Report, relative to widening the field of service and intensifying its efforts."

8. "That as soon as possible arrangements be made to withdraw all Child Welfare work from the nine regional inspectors now in office as employees of the Department of Welfare. (The reasons are given by the Commission on p. 47).

(i) "It would seem reasonable to suppose that there is ample work for the inspectors in question without giving them Child Welfare duties."

(ii) "None of the inspectors in question . . . has any training in Child Welfare work."

IV.

3. Standards of Service Given to Children, etc.

(1) The I.O.D.E. Study charged (p. 48): "Re Departmental Failure to Maintain Welfare Standards"

"That though enjoying almost unlimited power and under statutory obligation to do so the Department of Public Welfare has failed to set out, promulgate and enforce proper standards of Welfare service."

Finding (p. 48)

(1) "The above statement is true . . . We have elaborate codes, set out by Order-in-Council, to govern plumbing, electrical wiring, swimming pools, etc. Surely it is no less necessary to define and enforce the standards and techniques we expect in child welfare."

Recommendation (is covered in Recommendation 4 above).

(2) The I.O.D.E. Study charged (p. 48): "That in the arbitrary and non-co-operative exercise of certain excessive statutory powers the Welfare Administration of the Province has prevented pooling of essential knowledge in the possession of health and social agencies which would have benefited both the community and the individual."

Finding (p. 48)

"We believe that this charge refers to the attitude of the Child Welfare Branch to the Social Service Exchange."

Recommendation 9 (item 11 of Commission, p. 57).

9. "That the Child Welfare Branch should proceed, in conjunction with private agencies, and other agencies of Government, to set up a Provincial Social Service Exchange along the lines indicated in Sections 9 and 25 preceding, and should give the Minister such advice as would enable the Exchange to function."

IV.

4. Protection of Neglected and Dependent Children

(1) The I.O.D.E. Study charged: apart from legislation (charges: p. 15).

"That specifically the powers to create wards of the Government by ill-defined and discretionary power, to wit, 'by indenture, agreement or otherwise,' permit of an indefensibly loose and arbitrary exercise of a power which in the interests of parents, child and community should be inalienably vested in a properly constituted court of record."

Finding (p. 16)

(1) "... again deals with legislation. The expression 'by indenture, agreement, or otherwise' appears to your Commissioners to confer an extremely wide discretion, and they are prepared to say that the powers so conferred ought to be exercised with extreme care, and that, in any event, wardship of legitimate children ought not, in principle, to be transferred in any other way than through an order of a court."

Attention is drawn to the fact, however, that at another passage in its Report (p. 22) the Commission makes this

reference to children born out of wedlock: "In common justice they are entitled to as good a chance in life as the average Alberta child; that, as potentially good and useful citizens—to put the case on its lowest level—they are a valuable asset to the community and ought to be cared for as such; that the mothers of these children are, in law, the guardians of the children and have a legal and moral right to their custody and upbringing, to the same extent as the mother of a child born in wedlock."

2. The I.O.D.E. Study charged (p. 15):

"That generally the provisions for the shelter of children, taken into care as neglected, for the detention of children, being dealt with as delinquent, and for the foster and boarding home care of infants (pending adoption or boarded by public authority or private guardian) are inadequate and do not, on the whole, conform to proper standards."

Finding (p. 17)

(2) "We think the citizens of Alberta have a right to expect that the children in the classes mentioned will be housed and cared for at the same level as the average Alberta child. On this basis, we feel that our existing provisions fall something short of what ought to be done, and for a variety of reasons, all of which will be dealt with in subsequent headings."

3. The I.O.D.E. Study alleged (p. 15):

"That, specifically, there is grave lack of shelter provision generally and the provisions of the Cromdale Shelter at Edmonton gravely contravene minimum social standards."

Finding (p. 18)

(3) a. "We have concluded that the description . . . is reasonably accurate, and from our examination of the building in the final stages of renovation, we find that it was not then and is not now a suitable children's shelter."

"As to the responsibility of the Child Welfare Branch for this institution, we find (a) that Mr. Drayton, who was and is the supervising officer, is under the control and direction of the Child Welfare Commission, and (b) that the shelter was, in fact, approved by the Commission."

"... we are forced to the conclusion that the officials of the Child Welfare Branch must be taken to have known all about the Cromdale Shelter, and it had, and still has, a real responsibility for it."

(3) b. "Your Commissioners also inspected the Children's Shelter in Calgary, operated by the Calgary Children's Aid Department. This is a large house converted to the purpose. It has a fine location, and is close to school facilities. The rooms were bright and cheery, and the Matron and staff appeared to be very competent and genuinely interested in their work. The shelter seemed to be pretty well occupied in the care of infants, and your Commissioners are led to speculate whether, as the city develops and grows, it will not be necessary to have separate institutions, one a nursery, and the other left strictly for shelter purposes."

(3) c "We have no information as to other shelter facilities in the Province, and assume there are none."

Recommendation 10 (items 13, 20 in Commission, p. 57).

10. "That the Child Welfare Branch exercise its powers of supervision and control over the Municipal Children's Aid of the City of Edmonton."

Recommendation 11

11. "That the situation in regard to the Cromdale Shelter be reviewed."

4. The I.O.D.E. Study claimed (p. 15):

"That the system of home finding, child-placing and subsequent supervision of either neglected or delinquent children in family foster care is not properly organized or administered."

Finding (p. 19)

(4) a. "Foster homes fall into two main classes. First **boarding homes**, where the child is placed pretty much as a member of the family, but where the foster parents are paid a certain amount to compensate for their out-of-pocket expenses; and secondly, so-called '**free**' or '**work**' homes, where the child is placed at no cost to the public authority except for clothing, school supplies, etc., and where it is expected to give some return in work or services for its board and room."

(4) b. "This is the type of placement required for children too old for adoption, or not adoptable by reason of physical or mental defects, but not requiring institutional care, and for two or more children of the same family, who should, in fairness to themselves, be kept together in a family group, and in many cases of delinquency, where the condition of delinquency arises out of bad home conditions and is not too deeply rooted to be overcome by a normal home environment. Our own feeling is that the saddest cases are those of children, from seven to sixteen years of age, too old to be readily adoptable. Unless satisfactory foster homes are found for such children, there is no alternative but institutional care. We feel that every effort ought to be made to secure a normal family life for them, and that they are, of right, entitled to exactly the same opportunities as the average Alberta child. In the main, we believe this entails a widespread, systematic search for suitable homes, a sustained effort to 'sell' the need of these children to Alberta people. In these days of rising living costs, it will mean a willingness to pay foster parents sufficient to prevent hardship in the home. It will mean, except in a few cases, an abolition of the so-called '**free**' or '**work**' home, where a child is expected to work for his board. And it will mean a system of frequent, careful visits to the children in the homes."

(4) c. "It is urged that having once granted the desirability of foster homes, certain steps ought to be taken to widen the service and improve it.

"(1) There should be an intensive and systematic search for suitable foster homes, throughout the whole province.

"(2) No child ought to be placed in a foster home until (a) that foster home has been inspected and approved as being suitable for the child or children to be

placed in it, and (b) an agreement in writing has been entered into, outlining in detail the rights and responsibilities of the foster parents. (p. 20).

"(3) That every foster home ought to be visited regularly by a worker from the Branch not less than twice a year in so-called '**boarding homes**' and much oftener in the case of so-called '**free**' or '**work**' homes." (p. 20).

(4) d. "It is clear from the evidence and a perusal of the various files that there is no systematic search for suitable homes. In fact, the Branch is not staffed to undertake this work. Foster homes at present are found mainly in two ways: First, by casual contacts made by Branch officials in various communities; and, secondly, by means of letters written to the Branch by persons who desire to take children into their homes."

(4) e. "Perusal of the files placed before us shows no records or reports of personal inspections of foster homes before placement."

(4) f. "In the opinion of your Commissioners these form reports from references so obtained are of very little value. No such long range investigation, your Commissioners consider, can or should supplant a careful personal inspection of some qualified worker."

(4) g. "Search of the files indicates no system of post-placement visiting up to the standard urged upon us and which we approve. Wards of the government placed in Edmonton City in institutions and foster homes were visited, sometimes annually and sometimes less frequently. Wards placed outside of Edmonton, fairly close at hand, were sometimes visited, usually when a complaint had been received. In a majority of the rural placements the files show no visits at all."

(4) h. "Visits are necessary, we think, and should serve a twofold purpose. They should first serve to protect the child from exploitation and from bad handling, but it is no less important that the foster parents should be helped, advised and encouraged. Many of the children placed in foster homes have been the victims of the worst possible home conditions before they became government wards and, in a sense, are problem children. In almost all cases they are placed in foster homes with the description of '**a nice boy**' or '**a nice girl**,' and the files show no evidence that the foster parents has been advised of the background of the child. In several files there is evidence that the foster parents had great difficulty in adjusting the child to the home, wrote in repeatedly reporting the facts, and, finally, had to return the child to the Department, but no visits were made in these cases."

(There appears, in this area, to be a peculiar contradiction in two passages from the Commission Report, on p. 21-22. "We would also like to say that any failure to develop the foster home system to the extent which we deem desirable is not due to lack of inclination on the part of Branch officials, nor to failure to comprehend the needs of the children, but simply to lack of staff and organization." But on p. 58, the Commission, commenting on costs, says:

"We are emboldened in our suggestions by the evidence of the Child Welfare Branch to the effect that monetary considerations have never been a limiting factor in the work of the Branch.")

In respect to this Study allegation, a further reference in the Commission Report is relevant (p. 53) re the Edmonton Kiwanis Home, whose officers gave evidence:

"It complained that government wards were removed from the Home in the midst of a school term and without notice."

Finding (p. 53)

"We find, from the records and on the evidence submitted that the complaint is well founded. Your Commissioners recommend that children who are government wards should not be removed from institutions hurriedly and without due Notice. An opportunity should be given to the staff of the institution to prepare the child for such a removal. School terms, obviously, ought not to be broken except under the most unusual and pressing circumstances."

Recommendation 12 (item 9 of Commission, p. 56).

12. "That intensive and systematic search be made for foster homes for non-adoptable children, and

"(a) Recognition of prevailing economic conditions calls, in the interests of the child, more and more for paid foster homes, and a curtailment of 'work' homes; and

"(b) That there be careful pre-placement inquiry and frequent and regular post-placement visits to foster homes."

IV.

5. Re the Protection of Children Born Out of Wedlock (p. 22).

"That specifically there is inadequate provision for proper social work with the unmarried mother and her child and that the procedures and services utilized in this field are not in the general and ultimate interest of mother, child and community."

Finding (p. 22) (p. 23).

(5) a. "In the year ending March 31st, 1947, there were 1,106 reported illegitimate births in the Province of Alberta."

(5) b. "Most of such births in this province take place in the hospitals in Calgary and Edmonton. As Grace Hospital in Calgary, and Beulah Home in Edmonton are widely known as giving care in such cases, they deal with more of them than the other hospitals. Up to the time the girl, or woman, is admitted to hospital, she may or may not have had pre-natal care, as that term is usually understood, and she may or may not have confided in relatives or friends. Much would depend upon her own resourcefulness and upon her own family situation. If the routine followed in the Beulah Home, Edmonton, is typical, and we think it is, no person other than the hospital staff and others in whom the mother may have confided, knows anything about her condition until the child is born. The hospital staff, as required by law, reports the illegitimate birth to the Child Welfare Branch. It follows, therefore, that at present the State, in practically all cases, furnishes

no pre-natal care to the unmarried mother, for the good reason that it knows nothing about her, or her condition, until after the child is born. It is during the period between the birth of the child and the time when she is ready to leave the hospital that the unmarried mother must, with whatever advice she may get from the hospital staff, plan the future for herself and her child. During this period she will be visited by an official of the Child Welfare Branch, but the evidence is that the sole purpose of this visit is to ascertain from the mother whether or not she intends to surrender her child for adoption.

The evidence is, and we accept it, that the mother is not pressed, or even asked, to surrender the child, nor is she persuaded into any particular course of action. As previously indicated, all advice must come from the hospital staff, and, in passing, your Commissioners doubt whether the members of the hospital staffs have the time to delve into the personality of the mother, and into her circumstances, sufficiently to enable them to give the careful advice the situation calls for."

(5) c. "If the mother decided on surrender, she signs two forms. One is simply a surrender of the child to the Superintendent of Child Welfare, and the other is a blanket consent to adoption."

Alternatives before the mother, the Commission Report lists as placement in a relative's home, placement by the mother who returns to work, which, in the Commission's opinion, presupposes (p. 23):

(5) d. "a more than ordinary combination of courage and maternal instinct on the part of the mother. But, apparently, it does work out much oftener than is commonly supposed. The remaining procedure is the one most commonly resorted to, namely, the surrender of the child to the Child Welfare Branch."

"If the mother wishes to keep her child and is unable to do so by reason of lack of money, the evidence is that the Child Welfare Branch will assist her, if she requests it, to the extent of recommending her to the relief branch. In the year ending March 31st, 1947, some 23 mothers were so assisted, at the rate of \$20.00 per month."

(5) e. (p. 24). "We are inclined to agree that many, or perhaps most, of the unmarried mothers are, during pregnancy and for a time after the birth of the child, so harried by anxiety, and so emotionally upset, that they are gravely handicapped in making sound and sensible decisions. It is at such a time that kindly treatment at the hands of an experienced worker could accomplish a great deal."

(5) f. "Just as long as we recognize by statute and custom, the legal and moral right of the unmarried mother to the guardianship and custody of her child, it seems illogical to neglect the setting up of adequate machinery to co-operate with her, in exercising her rights in a way which will be beneficial to the child."

(5) g. "Before leaving this subject, we must deal specifically with one charge. It is suggested, if not specifically stated, in some of the material before us, that the Child Welfare Branch exerts pressure on the unmarried mother to surrender her

child. With one reservation, we find that this charge is unfounded. Our reservation applies to the brief filed by Mr. F. H. Drayton, Superintendent of the Children's Aid Department of the City of Edmonton." "Even so, there is a substantial area in which this policy has been operating for over twenty years, and the Child Welfare Branch must accept responsibility for it."

Recommendations 13 and 14 (items 10 and 23 of Commission, p. 56-57).

13. "That measures be taken to assign welfare workers in Calgary and Edmonton to do case work with unmarried mothers. That recognition be given to the fact that the rights of the unmarried mother in relation to the care and custody of her child are at least co-extensive with the rights of a mother of a child born in wedlock."

14. "That advice be furnished to unmarried mothers, wherever possible, at the level of the local agent of the Crown."

IV.

6. Adoption

(1) The I.O.D.E. Study alleged (p. 25):

"That legislation, but particularly practice, with respect to adoption, disregard the recognized standards of modern scientific social work."

Finding (p. 25-26).

"As soon as it has been determined that an adoptable child must be permanently removed, for its own good, from the care of its parents, or from the care of its mother, in the case of an illegitimate child, it seems clear that the best solution is to place it for adoption with the least possible delay."

"Therefore, authority ought to proceed, carefully and thoughtfully, but without hesitation or delay, to get these children into real homes."

"It now remains for us to examine as to whether the techniques used in carrying out this policy are good and sound, and whether adequate safety rules have been thrown about the actual process of adoption, and whether they have been faithfully observed."

"Adoptions fall into two classes:

"(1) In respect of children who are not government wards, the applicants are the adoptive parents who, in most cases, have obtained the child directly from the mother or parents, usually by arrangement and consent."

"(2) In the case of a child who is a ward of the government, the Child Welfare Commission has always had charge of the proceedings from the moment the child came into its legal custody, through the entire process of finding a home for it, right up to the application to the judge."

"In respect of government wards, your Commissioners find that the whole responsibility for the adoption proceedings rests squarely upon the Child Welfare Branch. In regard to the first class, they find that it has now, and always has had ever since the law required that notice of applications be given to it, a responsibility for the making of such inquiries and investigations as would satisfy it that the adoption is in the best interests of the child."

"Two safety rules ought to come into use in every case:

"(a) The first rule would be that no placement should be made until a worker for the Child Welfare Branch has made the most careful and searching personal inquiry into the prospective home to ascertain if it meets the minimum standards mentioned above. This inquiry should extend to the home itself as a house or shelter, to its atmosphere, the character of the applicants, their relationship to the community in which they live, and be checked by personal interviews with the references and others. A written report of this inquiry should be on the Department file."

"Your Commissioners must find, on the evidence, that this procedure is not followed, in many cases. In fact, in no file which we examined did we find evidence of the kind of inquiry or report which we have indicated."

"The second rule which we think ought to be observed is that the applicants should be given the most complete information as to the origin and background of the child they select. If there are any concealed hazards in the child's mental or physical heritage, the applicants ought to be told. There is a form appearing in the files entitled 'What you ought to know,' which purports to give the background information."

"In the opinion of your Commissioners this form is quite inadequate and in at least one file examined (Ex. 102) the information recorded on the form was incorrect, and if relied upon by the applicants must have seriously misled them."

"(b) After the child has been taken to the adoptive home, the statute provides another safeguard . . . that a year elapse before an application for adoption is made. Your Commissioners find that the above provision is sound and necessary."

"This 'probationary' year may be waived by the judge hearing the application on certificate of the Superintendent that for reasons set out in the certificate the period of residence may be dispensed with."

"This requirement was waived in all cases of cross-border placements."

"The files examined did not make it clear whether the requirement was or was not rigidly followed in the case of Alberta adoptions."

(2) The I.O.D.E. Study further alleged, under this same heading (p. 32)

"That the Superintendent's declaration of waiver of the one-year probationary period provided for in Section 93 (b) of the Child Welfare Act has been unjustifiably made in numbers of cases of adoption where neither he nor any member of his staff had previously met the adopting parents, whereas this is to be waived only where—'The petitioner is to the knowledge of the Superintendent a fit and proper person to have the care and custody of the child and for reasons set out in the certificate the period of residence may be dispensed with.'"

Finding (p. 32)

"(1) 'We have already approved the principle of the probationary year which should elapse between the placement of

the child and the adoption application, and would add that it ought not to be waived unless under the most compelling circumstances, and if evidence of these circumstances is produced to the judge on which a proper discretion may be exercised."

"Mr. Hill has admitted that there have been Alberta placements in which waiver has been made, but there is no evidence that it was not justified in any case. The files examined where waiver was made, and where your Commissioners would say that the action was not justified, antedated Mr. Hill's tenure as Superintendent." (It seems a fair comment, however, to point out (p. 46) that Mr. Hill "from 1933 to 1940 was Child Placing Officer for the Province").

Finding (p. 27)

(2) "During the probationary year good practice calls for visits by a worker from the Child Welfare Branch to the adoptive home. It is suggested that there should not be less than two visits and more if circumstances permit."

(p. 28) "Your Commissioners cannot say from the number of government ward adoption files examined to what extent visits are paid during the probationary year. They are inclined to think that visits are made in Calgary and Edmonton with good frequency and regularity, and not to the same extent in outlying places."

(Here, fair comment should add that the visits in one of these cities was by an elderly male staff worker utterly unqualified.)

After commenting on the use of purely routine printed forms re adoption application and the use of R.C.M.P. and the general inspectors for home visits, the Commission finds:

"(1) A serious responsibility for making the adoption order rests upon the judge; and that 2) an equally heavy responsibility rests upon the Child Welfare Commission to bring in, on the application, evidence of every fact which ought to be made known to the judge as being material and necessary to the proper exercise of his discretion. In our opinion, everything in the Department file ought to be available, including the reports of the pre-placement inquiry and the visits made during the probationary year."

"Your Commissioners deprecate the use of printed forms of affidavits and reports. We believe that the use of forms tends to prevent the disclosure of material facts which may be peculiar to the case in hand."

3. The I.O.D.E. Study alleged (p. 30):

"That, specifically, departmental policy and practice, in the protection and care of infants, particularly those born out of wedlock, are predicated almost entirely on the surrender by their mothers of children placeable for adoption."

Finding (p. 30)

"This Commission finds itself unable to give complete assent to the above proposition, and, yet, it has some aspects in which it is borne out by the evidence."

(a) "If we consider all the children who may be in need of care, whether they are born out of wedlock or not, it would be

true to say that there is no evidence that any of that service and help in the home, which is called family case work, is done in the province, except in the area served by the Calgary Children's Aid Department."

(b) "For the care of children who are not placeable for adoption, we have a rather extensive range of institutions, all privately operated, but used by the Child Welfare Branch."

(c) "For the adoptable children, your Commissioners are firmly of the opinion that adoptive homes should be found for them, and without delay. It is probably correct to say that the Child Welfare Branch has placed, and is placing, the greatest emphasis upon adoption as a solution for the homeless adoptable child, and with this emphasis your Commissioners agree."

(It seems fair comment to suggest here that the Study was emphasizing the assumption that all children apparently placeable for adoption should, ipso facto, be safely considered suitable and available for adoption and be immediately so placed.)

4. The I.O.D.E. Study alleged (p. 31)

"That, specifically, departmental policy in the whole field of Child and Family Welfare, lack of co-operative use of the Social Service Exchange and incompetence contribute to dangerous and unhappy placements of children, especially for adoption, and are particularly illustrated by the so-called case of Mrs. XXX."

Finding (p. 31)

(1) "We find there have been dangerous and unhappy placements of children, but we must also say that there is no evidence before us to show that these placements form any significant portion of the whole. We believe the contrary is true."

(2) "It has been urged by many witnesses that failure of the Child Welfare Branch to contribute to, and use, a Social Service Exchange, has made possible some of the bad placements which came to light."

(3) The XXX case is outlined in full in the Commission Report and the following comment made (Appendix 3, p. 3-4):

(a) "The first placement with 'X' and 'Y' was thoroughly bad, and should never have been made. It shows the absolute necessity for careful pre-placement inspection and report, for post-placement visits, and for almost invariable insistence on the probationary year. It shows further the necessity for a most full and complete disclosure of all facts and circumstances relating to the case to the judge hearing the application. It discloses the danger of reliance on 'form' affidavits, reports and references. And it shows that a Provincial Social Exchange, consulted in such cases, could have revealed the previous history of 'X', her contacts with the Neglected Children's Department, and with the Red Deer institution. It would also have disclosed the previous relief application of 'X' and 'Y'."

(b) "The adoption to 'X' and 'C' was, under the circumstances, justifiable and proper."

"We may justifiably draw at least two other conclusions from this history."

"Had family case work been a part of our child welfare system when 'X' first became known to the authorities, one of two things must have happened: Either the parents of 'X' would have been compelled to straighten out their home, or, 'X', and probably all the rest of the children in that home, would have been removed and given a chance to avoid the misfortune which later befell all of them.

"Had the Child Welfare Branch been assuming what we conceive to be its proper relationship to the unmarried mother and her child, the baby of 'D' and 'J' would not have had to undergo the dangers of what was virtually an abandonment in a boarding house."

IV.

7. Cross-Border Adoptions of Alberta Children.

The I.O.D.E. Study alleged (p. 33):

(1) "That, contrary to the public interest, it is the practice of the Department of Public Welfare to arrange the adoption of Alberta-born babies to persons residing outside of Canada."

(2) "That such adoptions of Alberta-born babies to persons residing outside of Canada have been arranged without proper social procedures."

(3) "That the exercise by the Superintendent of his power as guardian of a child under Alberta law to obtain a passport for the expatriation of a child from Canada and the meeting of costs related thereto from the welfare vote of the province conforms neither to the intent of the Provincial Child Protection legislation, nor to the wish of the people of Alberta."

Finding (p. 33)

(1) "The first of these placements was in 1934".

(Note—this was the year after C. B. Hill took over as Child Placing Officer for Alberta.)

(2) The statistical table in the Commission Report shows a mounting total:

1943—21		
1944—42	100% increase	} an increase of 200% in 1946 over 1943.
1945—52	25% increase	
1946—61	20% increase	
1947—26	but a sharp shut-off (after the I.O.D.E. charges became public.)	

The three years, 1944 to 1946, immediately before the Study, thus reveal 155 such placements in 156 weeks—a baby a week.

(3) (p. 34) "Children were placed in 24 States of the Union and in Alaska, in Costa Rica, Guatemala and San Salvador. Nearly half were placed in California. In some cases the adoptive parents were United States citizens temporarily resident in Alberta on military and other duties; in some cases the adoptive parents came to Alberta and the process of adoption was completed while they remained here; in some cases the process was initiated by correspondence, and the adoptive parents came here to get the children: in other cases the entire procedure was completed without any appearance of the adoptive parents and the child was escorted to its new home by a representative of our Child Welfare Branch."

(4) "In all cases it was necessary to secure a passport for the child in order that it might enter a foreign country . . . It was necessary for the United States Consul in Edmonton to be satisfied that the child would not become a charge on entering the United States, and his investigation was conducted separately. We cannot be sure from the evidence as to the exact nature of the Consul's investigation. Where adoptive parents did not attend in person, Mr. Hill acted as their attorney in the application before the judge and in the securing of a passport."

(5) "The arguments against these cross-border placements came down to this:

(a) "They are not in the national interest.

(b) "That under the circumstances the probationary year must be waived and the child immediately loses the protection of our Child Welfare authorities.

(c) "That under the circumstances it is impossible to make an adequate assessment of the adoptive home.

(d) "That in the case of placements in the United States, the child, unless adopted again under the laws of the particular state in which it is placed, is left virtually stateless until it reaches an age when it may become naturalized.

"Your Commissioners find these objections well founded and recommend that cross-border placements be discontinued."

(6) "In the Study report, 'Welfare in Alberta,' there is a suggestion that the cross-border placements may have been involved in so-called 'black market, activities in babies. In the same report these placements are referred to as a 'traffic'. It is suggested that the welfare authorities in various states of the Union disapprove of, and resent, the placements in question. The general impression left upon the reader is that the whole programme has turned out very badly indeed."

"The Child Welfare Branch wrote to each adoptive family, whose address was known, and requested a full report from them."

Reports were received from all but 15. The letter was returned uncalled for in 5 but there was trace of one of these. In 4 cases no letter was sent because of lack of an effective address.

The Commission found "The reports received, and perused by our Commissioners, enclosing portraits of the children and snapshots of the family group, could not be said to be other than most re-assuring and indicative in the highest degree of happy, successful placements."

(As against this it seems fair comment to point out that the evidence was all obtained solely through the two most interested parties—the Child Welfare Branch and the adopting parents—and that there was no report re over 10% of the homes.)

(7) "Not a shred of evidence was brought in to indicate that any Alberta child had been involved in a 'black market' in babies, nor that the Minister of Public Welfare, nor any of his officials had any information to that effect.

"The word 'traffic,' as used in the Study report, means to the average person something shady or illicit. We find there has been no traffic in that sense of the word."

(8) "No evidence was produced to your Commissioners to show that Welfare Agencies in the United States resented the placing of Alberta children there, beyond the suggestion in some correspondence that these Welfare Agencies were unable to find time to examine homes prior to the placement of Alberta children."

(Fair comment here is that the I.O.D.E. Study was not asked to submit supporting data nor questioned on letters quoted in the Study Report.)

(9) "It is felt that if the language of the Report had been used more scrupulously towards the avoidance of over-statement and had been more specific with regard to instances which were intended to illustrate principles, the matters complained of could have been much more easily dealt with; many general statements were made throughout The Report of such a nature that one would think or fear that the intention was mainly to heap discredit on the officials of the Child Welfare Department."

"Mr. C. B. Hill, who has since 1944 been Superintendent of Child Welfare, was child placement officer for many years. We believe he did his work well, bringing to it an almost fanatical devotion to the children in his care, a ripe experience, and an uncanny estimate of people."

"Conditions have now greatly altered. Mr. Hill is now Superintendent of Child Welfare, the administrative head of the Child Welfare Branch. Although it was not clearly set out in the evidence, a perusal of the list of employees satisfies us that he does not have an assistant superintendent as set out in the statute. The careful personal attention which he once gave to adoption proceedings must necessarily be delegated. Moreover, as our population increases, and is increasingly urbanized, the number of children under care is increased, and, presumably, the number of adoptions will be increased. This Commission thinks that if we are to avoid running into more and more trouble in connection with these procedures the safety rules we have sketchily set forth above must be promulgated and strictly and invariably enforced." (p. 29).

"Your Commissioners feel that it is doubtful if the framers of the Child Welfare Act ever contemplated the cross-border placing of children. Whether the action taken accords with wishes of the people of Alberta is not a question that your Commissioners are qualified to decide, or have the authority to decide." p. 35-36).

Recommendations 15, 16, 17 (items 3, 4, 12 of Commission, (p. 56-57).

15. "That adequate safety rules and procedures be formulated and adhered to in the matter of adoption as suggested in Section 7 preceding. That the use of forms instead of individually-drafted reports and affidavits should be curtailed and eventually discontinued."

16. "That the Child Welfare Commission re-examine Section 87 of the Child Welfare Act and advise the Minister thereon as to the dubious position in which the Commission is placed by the said section."

17. "That cross-border placements of children should be discontinued."

IV.

8. Delinquent Children and Young Offenders (1) The I.O.D.E. Study alleged p. 36):

(a) "That the Juvenile Offenders Act of Alberta and certain phases of the administration thereunder contravene the intent and certain provisions of the Juvenile Delinquents Act of Canada under which authority is conferred upon the Province to utilize probation, detention, special treatment and training procedures, placement and special facilities for juvenile offenders."

(b) "That, specifically, the system of apprehension and discretionary disposition of delinquents, prior to and sometimes without judicial hearing is unsatisfactory, dangerous and open to question under The Juvenile Delinquents Act of Canada."

Finding (p. 36)

(1) "Your Commissioners think the gist of this charge in (a) above is that certain provisions of the Juvenile Offenders Act (Alberta) are repugnant to the provisions of The Juvenile Delinquents Act, 1929 (Canada). An inquiry into this is clearly outside of the authority of this Commission."

(2) (p. 37) "In our opinion juveniles have been left in confinement in detention homes, both before and after their hearings in Juvenile Court, for longer periods than are consistent with their rights, and without a proper segregation of those not adjudged delinquent and those that were so adjudged."

"It is the opinion of this Commission that no child should be committed to such institutions unless after a hearing by a Juvenile Court, and that the powers of the Superintendent above mentioned should not be exercised."

2. The I.O.D.E. Study alleged (p. 37:)

"Specifically the care for delinquent boys at the South Side Detention Home, Edmonton, contravenes good social practice, as do other samples of bad placement, e.g. in gaols."

Finding (p. 37-38)

(1) "It was proved, beyond a doubt, that the South Side Detention Home was accurately described in the Calgary Herald articles 'Children in Iron Cages'. It was further proved that these conditions had existed since long before World War II and were continued until about the year 1947, under the supervision of the Edmonton Children's Aid Department, and with the full knowledge of officials of the Child Welfare Branch. Without going into detail, it appears that boys aged 8 to 18 were confined in a basement, in steel cells, similar to the ones used in police lock-ups throughout the country for the temporary detention of adults, slept on steel shelves without mattresses, had no exercise, or schooling, or recreational facilities, for periods up to two weeks at a time. It also appears that boys not adjudged delinquent mixed with those who were confirmed delinquents. We believe that similar conditions would not be tolerated for the confinement of adult male prisoners in any gaol or penitentiary in Canada."

(2) "Your Commissioners visited the South Side Home and found the premises had indeed been renovated, and extra space had been acquired on the first floor. Segregation to a degree is now possible. The recreational needs of the boys are to be handled by a service club, and your Commissioners have some doubts as to the efficiency of this plan, and are inclined to think that more specialized leadership would be desirable both in the field of school and recreation. The actual supervision of the plant is also questionable, and your Commissioners recommend that until some more complete system is worked out, the period for which any boy is confined there should be kept at the minimum necessary to get him before a Court and thereafter to find other accommodation for him."

3. The I.O.D.E. Study alleged (p. 38):

"That there is quite inadequate procedure and provisions for the discharge of delinquents at 18 years of age."

Finding (p. 38)

(1) "As far as the evidence goes, there is no departmental policy nor any statutory provision in support of a policy in regard to supervision of delinquents after the age of 18 years, nor any staff to exercise such supervision. So far as is indicated by the files, at 18 years of age the delinquent simply drops off the departmental rolls to sink or swim."

(2) "Material before us indicates that in the United Kingdom a fairly comprehensive system has been developed for the supervision and assistance of delinquents who have been under state care and supervision. . . . It does seem that something approximating this system might be worked out in Alberta, in conjunction with private agencies, but government participation would depend upon the staff available. Certainly it is not now equipped to look after this work."

4. The I.O.D.E. Study alleged (p. 38):

"That there are nowhere in the Province adequate social facilities for the proper care and treatment as juvenile delinquents of many of the seasoned and mature offenders of both sexes dealt with under the 16 to 18 year old extension of The Juvenile Delinquents Act and that under these circumstances such facilities should be provided at once or the promulgation of this extended age be reconsidered."

5. And the Study also alleged (p. 15):

"That the system of home finding, child placing and subsequent supervision of . . . delinquent children in family foster care is not properly organized or administered."

Finding (p. 21), (p. 38-39)

"When delinquent girls are removed from their own homes, and made wards of the government, two institutions are available in the province to which they may be committed for rehabilitation. Roman Catholic girls may be committed to the Home of the Good Shepherd, in Edmonton, and non-Roman Catholic girls to Mountview Home in Calgary. In the case of delinquent boys, not a single institution within the province is available, and those who are made

wards must, perforce, be placed in foster homes or in institutions intended primarily for neglected children. Up to the present the Child Welfare Branch has regarded a farm foster home as the best place for a delinquent boy. That the policy has had a measure of success is beyond a doubt. That it is now failing to meet existing conditions is equally beyond doubt."

(2) "At present there are two institutions, both private agencies, furnishing training to delinquent girls of teen age. These are the Home of the Good Shepherd in Edmonton and Mountview Home in Calgary. For boys we note that a recent Order-in-Council provides care for a few problem cases in a special ward of the Oliver Mental Institution. No other institutions, public or private, exist for boys. For the treatment of delinquent boys, entire reliance has been placed upon farm foster homes. We have already discussed these homes to some extent and have concluded that a measure of success may be expected from them for certain types of boys, but that the increasing emergence of a type of tough, hardened delinquent boy of urban origin is rapidly breaking through the system and disclosing its inadequacies."

(3) "As a first step in dealing with the problem, we recommend that the psychiatric services of the province be used to greater extent than in the past, so that every boy who shows a pattern of delinquency will receive examination in the early stages."

(4) "As a second step, we recommend that training facilities for delinquent boys be set up as soon as possible. The situation, as we see it, calls for at least two types of training, one for the younger boys of 8 to 14, and the other for older boys up to 18."

(5) "In respect of delinquent girls, it is suggested that closer co-operation with existing institutions is indicated. Presumably the staffs of these institutions have already worked out effective techniques and are admittedly doing good work." (p. 40).

(6) Re Mountview Home (p. 51).

(i) "It is charged that girls placed in this home by the Child Welfare Branch were not accompanied by case histories and that the only information concerning them, their background and history, was by questioning the Branch worker who brought the child in, or by writing to the Branch. This complaint is justified."

(ii) "Another complaint is that girls are discharged from Mountview without previous consultation with the matron. This has been a practice, and the Child Welfare Branch has sought to justify the cases brought to our attention, by pointing out that discharge, in these cases, was desirable. We do not think that this alters the principle."

(iii) "It is further stated that girls who are not delinquent, but simply in a state of neglect, are committed to Mountview Home. Unfortunately, this is true, and we feel strongly that it is a practice which ought to be discontinued at once."

6. The I.O.D.E. Study also charged (p. 42):

"That the practice whereby judges of the Juvenile Courts are members of the Child Welfare Commission and retained as employees of the Department of Public Welfare is derogatory to the principles of an independent judiciary and to the impartial handling of either the social or legal aspects of causes in child and family welfare; that, on the contrary, such judges ought to be qualified in the law as well as in social practice and should be appointed by and responsible to the Attorney-General of the Province."

Finding (p. 43)

"This Commission is of the opinion that the Judges of the Juvenile Court should, in an administrative sense, be completely independent of the Child Welfare Branch. They should have legal training or be exceptionally qualified by experience so that they may not only administer justice, but appear to administer it, and be capable of following the procedures of the Juvenile Delinquents Act, 1929, (Canada), and observing it in letter and in spirit. Logically, since they are a part of the administration of justice, they should be appointed by and subject to the administration of the Department of the Attorney-General. They should be engaged on a salary basis. We can see nothing in this arrangement which would prevent the closest co-operation between the Juvenile Court Judges and the officials of the Child Welfare Branch, where such co-operation is in the interests of the children."

Recommendations 18, 19, 20, 21, 22, 23, (items 18, 15, 14, 22, 17, 16 of Commission, p. 57)

18. "That the Judges of The Juvenile Court be carefully selected, appointed and paid by the Attorney-General."

19. "That the power of the Superintendent to commit children to places of confinement other than in detention homes without court hearings ought not to be exercised."

20. "That until detention facilities are provided up to the normal standard of

such institutions, delinquent boys and girls ought not to be confined therein for a longer time than is absolutely necessary to bring them to court and to place them elsewhere after a court decision."

21. "That girls should not be committed to a correctional institution unless and until they are found by a court to be delinquent."

22. "That the Child Welfare Branch should forthwith plan for the development of institutional training for delinquent boys of all ages, under the auspices of the state."

23. "That the Child Welfare Commission should develop a system of help and placement of delinquents who pass the age of 18 years, when it appears such help is necessary."

IV.

9. Purported Migration of Children

The I.O.D.E. Study alleged (p. 36):

"That the purported plans for the migration of refugee children into Alberta lack adequate safeguards in the interest alike of the children and the province."

Finding (p. 36)

"Nothing much can be determined at this time as to the adequacy, or otherwise, of the plans of the Child Welfare Branch in handling immigrant children, inasmuch as there appears to be no influx of this type at present."

"It is clear from Mr. Hill's evidence that he recognizes the fact that future child immigration must receive the approval of the Federal Government and take place under arrangements made with it, and that when the time arrives he proposes to deal with the situation as it then exists. We feel there is no cause for alarm under this heading."

(It may be fair to comment to point out that in the movement dealt with in the Study, Alberta's consent had apparently been given, but approval of the movement and plans was withheld by the Dominion immigration authorities and, in the Study staff's opinion, justifiably so.)

V. SUMMARY IN CONCLUSION (p. 58)

"In making the suggestions that we have made, we are conscious that we are striving towards an ideal, but we have tried to limit our recommendations to matters that may be accomplished in the near future. It will likely be many years before a system approaching the ideal will be an accomplished fact. So long as administrators and officials are human there will be human frailties, but that is no reason why a sturdy effort should not be made by all persons concerned with a view to reaching a more nearly perfect condition in the administration of Child Welfare."

These Findings and Recommendations, made of date December 3, 1948, bear the signature of all three Commissions:

W. R. HOWSON,

Chief Justice of the Supreme Court of Alberta, Trial Division.
Chairman.

J. W. McDONALD,

Chief Judge of the District of Southern Alberta, and
Local Judge of the Supreme Court.

E. B. FEIR,

Judge of the District of Southern Alberta, and
Local Judge of the Supreme Court.